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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 TYUN SOCKEE DODSON, ) Civil No. 07cv0869-W (RBB)  
12 )  
13 Plaintiff, ) ORDER GRANTING PLAINTIFF'S  
14 v. ) REQUEST FOR RE-ISSUANCE OF  
15 J. ROCHA, Correctional Officer, ) U.S. MARSHAL FORMS [DOC. NO.  
16 et al., ) 36]  
17 Defendants. )  
18

19 Plaintiff Tyun Sockee Dodson filed a civil rights complaint  
20 pursuant to 28 U.S.C. § 1983 on May 14, 2007 [doc. no. 1]. On July  
21 5, 2007, Plaintiff was granted leave to proceed in forma pauperis  
22 ("IFP") [doc. no. 3]. A summons was issued for each Defendant on  
23 July 6, 2007. Since that time, ten of the Defendants have received  
24 notice of the Complaint and each waived service of the Complaint  
25 pursuant to Rule 4(d) of the Federal Rules of Civil Procedure.  
26 (See doc. nos. 5, 6, 7, 8, 9, 10, 11, 16, 21, 31.) These  
27 Defendants have since filed a Motion to Dismiss Plaintiff's  
28 Complaint for Failure to State a Complaint [doc. no. 25, 32]. As

1 of the date of this Order, however, the docket does not show that  
2 Defendants Mora or Arani have been served.

3 On January 8, 2008, Dodson submitted a letter, which was filed  
4 nunc pro tunc to January 4, 2008 [doc. no. 36]. Plaintiff alleges  
5 that he attempted to serve Defendant Arani, but due to Dodson's  
6 error in attempting to serve the Defendant on his own, service was  
7 not properly completed. He requests that the Court provide him  
8 with a new conformed copy of the summons and Complaint and a U.S.  
9 Marshal Form 285 (erroneously referred to by Plaintiff as a "USMS  
10 245" form) so that he can have the U.S. Marshal re-attempt service  
11 on Defendant Arani at Calipatria State Prison.

12 Because Dodson is proceeding IFP, he is entitled to have the  
13 U.S. Marshal Service serve the summons and Complaint on each of the  
14 Defendants. See 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(2);  
15 Puett v. Blandford, 912 F.2d 270, 273 (9th Cir. 1989). "[H]aving  
16 provided the necessary information to help effectuate service,  
17 plaintiff should not be penalized by having his or her action  
18 dismissed for failure to effect service where the U.S. Marshal or  
19 the court clerk has failed to perform the duties required of each  
20 of them under 28 U.S.C. § 1915(c) and Rule 4 of the Federal Rules  
21 of Civil Procedure." Puett, 912 F.2d at 275.

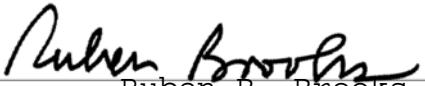
22 Dodson has identified Defendant Arani by name and badge  
23 number, and indicated that Arani was employed at Calipatria State  
24 Prison on July 30, 2005, when the events described in Plaintiff's  
25 Complaint occurred. (See Letter dated Dec. 31, 2007 [doc. no. 36];  
26 Compl. 1, 3.) As long as Defendant Arani is currently employed by  
27 the California Department of Corrections ("CDC") or his forwarding  
28 address can be easily ascertained by reference to the CDC's

1 personnel records, Plaintiff is entitled to rely on the U.S.  
2 Marshal to effect service on him. See Puett, 912 F.2d at 275.

3 Accordingly, Dodson's request for re-issuance of a conformed  
4 copy of the summons and Complaint and a U.S. Marshal form 285 is  
5 **GRANTED**. Plaintiff is also granted an extension of time through  
6 March 3, 2008, to effect service on Defendant Arani.

7 **IT IS SO ORDERED.**

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9 Dated: January 30, 2008

  
Ruben B. Brooks  
United States Magistrate Judge

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11 cc: Judge Whelan  
12 All Parties of Record  
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